

REMARKS**Summary of the Office Action**

In the Office Action, claims 8-12 are allowed.

Claims 1, 2, 6, 7, 13, and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0145448 to *Watanabe et al.* ("*Watanabe*").

Claims 3-5 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants amend claim 1, with the features of canceled claim 2, and submit that independent claims 6 and 13 are distinguishable over *Watanabe*. Claims 18 and 19 are withdrawn. Applicants respectfully request reconsideration of pending claims 1 and 3-17.

All Subject Matter Complies with 35 U.S.C. § 102(b)

Claims 1, 2, 6, 7, 13, and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Watanabe*. Applicants respectfully traverse the rejection for the following reasons.

Applicants respectfully submit that the Office Action has not established that *Watanabe* anticipates each and every feature of Applicants' claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicants contend that newly amended independent claim 1 recites the feature of "a supporting member for operably supporting the operating lever, a contact member contactable with the operating lever; and an urging member for urging the contact member to the operating lever, wherein the operating lever comprises an operation restricting member for contacting with the contact member at the first position to

restrict movement of the operating lever reaching the second position.” At least these features are not disclosed or taught by *Watanabe*.

Watanabe discloses an electric disc brake apparatus for producing a braking force by torque from a motor, and additionally having a parking brake function. See Figs. 9-10 and page 1, ¶ [0002] of *Watanabe*. However, the parking brake of *Watanabe* fails to teach or suggest at least the above feature of claim 1.

The Office Action states that *Watanabe* discloses “supporting member 73 for operably supporting the operating lever, a contact member or tip of element 57 contactable with the operating lever, and an urging member or element driving the rotation of element 26.” The Office Action describes the operating lever as item 54’. Contrary to this assertion, *Watanabe* does not disclose all of these features. The operating lever in *Watanabe* does not comprise an operation restricting member for contacting the contact member. It appears that the operating restricting member must contact the contact member. This does not occur in the *Watanabe* apparatus. See Figs. 9-10 and page 1, ¶ [0002] of *Watanabe*. Because *Watanabe* does not disclose an operation restricting member for contacting the contact member 57 feature, it cannot anticipate the invention recited in claim 1.

With regard to independent claim 6, the Office Action does not discuss the features of this claim at all. Namely, at least “a one way clutch apparatus for permitting only to operate the operating lever operated in the predetermined direction and holding the operating lever at a position in accordance with the operating amount,” as recited in claim 6. The Office Action asserts “an operating lever 54” and the “one-way clutch apparatus including element 57 and 72” as seen in Fig. 9 and 10 are found in *Watanabe*. The mechanism disclosed in Fig. 9 and 10 of

Watanabe may disclose a type of one-way clutch mechanism, however, the mechanism is a one-way clutch mechanism for the rotor 26. If the member 54' of *Watanabe* corresponds the operating lever 1112 of claim 6, as the Office Action asserts, the members 57 and 72 do not act as the one-way clutch of the member 54'. For example, the "one way clutch apparatus" does not permit the operating lever 54' "only to operate . . . in the predetermined direction," as alleged. That is, the alleged one-way clutch (57 and 72) does not prevent the alleged operating lever 54' from operating in both directions. Therefore, Applicants respectfully submit that *Watanabe* does not disclose at least these features of the present invention, and thus cannot anticipate the invention recited in claim 6. Furthermore, because *Watanabe* does not disclose the one way clutch apparatus above-mentioned, it also does not disclose "a release apparatus" or "an operating portion" as recited in claim 6.

With regard to independent claim 13, the Office Action does not discuss the features of this claim at all. Namely, the Office Action does not allege that "an operating lever for operating a brake apparatus provided at a vehicle; and a supporting member for pivotably supporting the operating lever, wherein the operating lever is provided to the vehicle via the supporting member; wherein the supporting member comprises: a ring-like connecting portion outwardly fit to a first frame extended in a predetermined direction of the vehicle," as recited in claim 13. The Office Action asserts that "a ring-like connecting portion of the circumference at the end of element 70 opposite the end shown connected to element 54'," is found in *Watanabe*. See page 4 of the Office Action. However, the so-called "ring-like connecting portion" is not shown or identified in the drawings at all, nor is it discussed in the *Watanabe* specification. It appears that the ring-like connection portion is simply imagined by the Examiner to be present. Therefore,

Applicants respectfully submit that *Watanabe* does not disclose at least these features of the present invention, and thus cannot anticipate the invention recited in claim 13.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Watanabe* does not teach or suggest each feature of independent claims 1, 6, and 13.

Additionally, Applicants respectfully submit that dependent claims 7 and 17 are also allowable insofar as they recite the patentable combinations of features recited in claims 6 and 13, as well as reciting additional features that further distinguish over the applied prior art.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

Dated: August 11, 2006

CUSTOMER NO.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001